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IN THE

Supreme Court of the United States

October Term, 1963
No. 5, Original

UNITED STATES OF AMERICA,

Complainant

vs.

STATE OF CALIFORNIA,

CARL WHITSON, a Taxpayer

Movent

MOTION FOR LEAVE TO FILE PETITION IN INTERVENTION OR FILE AMICUS CURIAE BRIEF.

To the Honorable, Chief Justice, and Associated Justices of the Supreme Court of the United States.

Your movent, Carl Whitson, respectfully moves the Court for leave to file a petition in intervention, or for leave to file amicus curiae brief on behalf of the taxpayers and citizens of Long Beach, California, and respectfully shows unto the court the following facts, to-wit:

I

That the City of Long Beach, California, is a free-holders charter municipal corporation, borders upon the Pacific Ocean, and by charter amendment of 1923 extended its boundary lines into the Pacific Ocean three miles from the low tide line along the coast. That Carl Whitson, is a taxpayer, citizen, and prop-

erty owner of said city, and institutes this action on behalf of all other taxpayers of like circumstances.

II

The City of Long Beach, California, and the citizens and taxpayers thereof, were granted or assigned about twenty thousand acres of oil and gas bearing offshore submerged lands under the term of the Submerged Lands Act (Section 1301, et seq., 43 U. S. C.). This tract of offshore submerged lands has heretofore yielded oil and gas income in the sum of about one Billion ($1,000,000,000.00) dollars; and it is estimated that about Five Billion ($5,000,000,000.00) dollars more petroleum products can and likely will be produced from such lands. However, no official legal survey of said lands have been made to establish the low tide line or coast line along the Pacific Ocean within Long Beach, California. Likewise there has been no direct decision by the Supreme Court of the United States deciding or directing what kind of title to offshore submerged lands passed to the City of Long Beach or the State of California under the terms of the Submerged Lands Act. There is an uncertainty and controversy as to where the shoreward low tide line is located. Such a controversy is real, actual, and involves legal and property rights of all taxpayers of Long Beach, including your movent; are of a public nature and urgent.

Your movent will urge as follows:

1. The shoreward boundary lines of offshore submerged lands granted or conveyed under the terms of the Submerged Lands Act should be established at the low tide line as of 1850, when California was admitted to the Union, as shown by the U. S. Coast

Geodetic Survey Official Map of 1859; and the land extends three miles seaward into the Pacific Ocean, including all made or reclaimed lands; that any and all stipulated lines should be disregarded.

2. The title to said lands is such that the income therefrom can be used by the City of Long Beach for any municipal purpose without trusts or restrictions by the State of California.

3 Your movent will further urge that the City of Long Beach and the State of California are in error in contending that the shoreward boundary line should be established at a line further seaward than the historic low tide line along the coast of California; or that the shoreward or starting boundary line of offshore submerged lands should be measured from the outer breakwater line in Long Beach, California.

4. It will be urged that the State of California is wrong in contending that the state has legal power to establish trusts on the income used by the city or has legal power to take from Long Beach all income from such submerged lands.

5. It will be further urged that if the State of California has the legal power to take and use the income from Long Beach, California, over its protest, and the protest of the taxpayers and citizens thereof, then in that event such income must be used by the State of California on the lands from which the income is derived for the purposes of commerce, navigation, and fisheries.

It is respectfully pointed out that unless leave is granted as moved, there is no other speedy, adequate, or legal effective remedy to protect the taxpayers and

citizens of Long Beach, California, or establish and decide adverse legal property rights.

Respectfully moved,

Carl Whitson
Pro se.

AFFIDAVIT

STATE OF CALIFORNIA
COUNTY OF LOS ANGELES

Carl Whitson, first being duly sworn, says: That he has read the Rules of the Supreme Court of the United States and believes the foregoing motion complies therewith; that he knows the contents of the motion and believes the statements to be true and the points well taken; that the motion was not filed for delay or obstruction of justice.

That before he filed the foregoing motion he contacted the Solicitor General of the United States by letter and asked if there was any objection to the filing of amicus curiae brief. There was no objection but no permission was given either. That all other known interested parties were contacted by telephone or letter but objections were expressed and no permission given.

CARL WHITSON

Subscribed and sworn to before me this 11th day of March, 1964.

Notary Public, California.
Principal Office Los Angeles County.

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